

Serial No. 10/605,412
Group Art Unit: 1744
Page 10 of 13

Filed: 09/29/03
Examiner: Theresa T. Snider

REMARKS

By the present amendment, claims 1-10 and 13-16 have been cancelled. Claims 11 and 12 have been amended to accommodate the Examiner's kind suggestions and to more clearly define the invention over the references. In addition, new claims 17-24 have been added to give applicants more complete protection for their invention. The specification has been amended in paragraph 32 to specifically refer to the substantial axial alignment between the upper and lower cord wraps and to provide specific support for the amended and new claims. These amendments are not new matter because they describe in specific terms the structure that is shown in the drawings. This axial alignment is shown on FIGS. 1 and 2. In addition, the specification has been amended to delete from the Summary of the Invention material related to embodiments that are the subjects of the cancelled claims and to conform the summary to the present claims.

In the Office Action, restriction was required between claims 1-10 and 13 and 14, claims 11 and 12 and claims 15-16. Applicant affirms the election of the Group II, claims 11 and 12 with traverse.

The withdrawn claims have been cancelled without prejudice to expedite prosecution of this application.

In the Office Action, the specification was objected to because the title and abstract should be amended to reflect the presently claimed and elected invention. By the present amendment, these changes have been made. Further, the status of copending applications has been updated.

Claims 11 and 12 have been rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended the claims as suggested by the Examiner. Thus, this rejection should be withdrawn in light of the amendments to the claims.

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bradd et al. U.S. Patent No. 5,406,673 in view of the Rutter et al. U.S. Patent No. 6,079,080. This rejection is respectfully traversed.

The Bradd et al. '673 patent discloses an upright deep cleaner with a cord wrap on the

Serial No. 10/605,412
Group Art Unit: 1744
Page 11 of 13

Filed: 09/29/03
Examiner: Theresa T. Snider

back of the handle. There is no electrical cord shown in the Bradd et al. '673 patent. However, an electrical cord is mounted to the handle on a commercial embodiment of the deep cleaner disclosed in the Bradd et al. '673 patent. In the commercial embodiment, the electrical cord exits the back of the handle perpendicular to the cord wrap so that a side load is applied to the cord whenever the cord is stored on the cord wraps.

The Rutter et al. '080 patent discloses a vacuum cleaner having a handle with upper and lower cord wraps and an electrical cord with a bend relief spring at the handle end of the cord. However, the cord is offset from the upper and lower cord wraps so that there is some angular stress on the cord when wrapped.

The alleged combination of Bradd et al. '673 with Rutter et al. '080 is traversed. There is no basis for making the alleged combination. Although each of the references relates to a vacuum cleaner of some sort, there is no suggestion of incorporating the Rutter et al. '080 cord mount with the Bradd et al. '673 cord wrap.

However, even if the alleged combination were to be made, however untenably, it still would not reach Applicant's claimed invention. At best, the alleged combination would mount the Rutter et al. '080 cord and bend relief spring in a vertical orientation on the Bradd et al. '673 handle, but offset from alignment with the upper and lower cord wraps. The Rutter et al. '080 cord mount is not in substantial alignment with the upper and lower cord wraps. Applicant's claims distinguish over this alleged combination in calling for an electrical cord mounted to the handle in substantial axial alignment with at least one of the upper and lower cord wraps and a strain relief collar mounted on the electrical cord at the handle and projecting from the handle in substantial axial alignment with the at least one of the upper and lower cord wraps so that the electrical cord projects from the handle in a relatively straight line between the handle and the at least one of the upper and lower cord wraps. This concept is not disclosed in the references. Thus, it is believed that claim 11 patentably distinguishes over any alleged combination of Bradd et al. '673 in view of Rutter et al. '080.

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bradd et al. '673 patent in view of Rutter et al. 080 patent and further in view of the McCabe et

Serial No. 10/605,412
Group Art Unit: 1744
Page 12 of 13

Filed: 09/29/03
Examiner: Theresa T. Snider

al. U.S. Patent No. 2,099,172. This rejection is respectfully traversed. The McCabe et al. '172 patent discloses a vacuum cleaner with a molded rubber sleeve that prevents the cord from being pulled from the handle. The rubber sleeve is pitched at an angle to the cord wrap and results in some angular stress when the cord is wrapped.

The alleged combination of Bradd et al. '673 and Rutter et al. '080 has been discussed above and is believed to be equally inappropriate in this rejection as well. Further, there is no suggestion as to why the disclosure of McCabe et al. '172 patent can be combined with the uncombinable combination of Bradd et al. '673 and Rutter et al. '080 patents. There is no suggestion as to why the alleged combination is appropriate.

However, even if the alleged combination were to be made, it still would not reach Applicant's claimed invention. It would simply provide an elastomeric collar in the alleged combination of Rutter et al. '080 and Bradd et al. 673 patents. The alleged combination would not meet the claimed invention which is set forth in claim 11 and includes an electrical cord with a strain relief collar mounted to the handle in substantial axial alignment with at least one of the upper and lower cord wraps.

New claims 20-24 are patterned after claims 11, 12 and 17-19 except that they eliminate the details of the extractor and cover the invention in any type of suction floor cleaning apparatus. Further, the strain relief collar has been eliminated from claim 20 but appears in dependent claim 21. These claims are believed to be allowable over all of the references of record or otherwise known to Applicants.

In view of the cancellation of the non-elected claims, Timothy E. Kasen is no longer an inventor for any of the claims remaining in the application. A petition for removal of his name as an inventor in this application is enclosed herewith.

Serial No. 10/605,412
Group Art Unit: 1744
Page 13 of 13

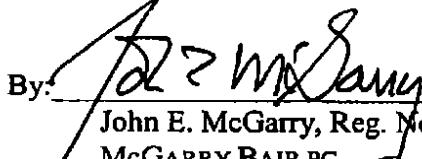
Filed: 09/29/03
Examiner: Theresa T. Snider

In view of the foregoing remarks and amendments, it is submitted that the claims are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

Kenneth M. Lenkiewicz and Alan J. Krebs

Dated: 06-03-04

By: 

John E. McGarry, Reg. No. 22,360
McGARRY BAIR PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500

G0128654.DOC